

AO 91 (Rev. 11/11) Criminal Complaint

**FILED**

UNITED STATES DISTRICT COURT  
for the  
Western District of Texas

December 27, 2024  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: Myrna Gallegos  
DEPUTY

United States of America  
v.

Erwin ARRIAGA-Ibarra  
AKA: Manuel AVILA-Diaz

*Defendant(s)*

Case No.

**EP-24-MJ- 5111 -ATB**

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 25, 2024 in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:

*Code Section*

8 U.S.C. 1325 (a)(2)

*Offense Description*

did elude examination or inspection by Customs and Border Protection Officers, he being an alien to the United States.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

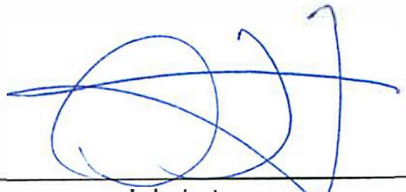
  
*Complainant's signature*

Brenda A. Marrufo  
CBP Enforcement Officer

Sworn to before me and signed in my presence.

Date: December 27, 2024

City and state: El Paso, Texas

  
*Judge's signature*

Anne T. Berton  
U.S. Magistrate Judge

Complaint sworn to telephonically on  
December 27, 2024 at 1:21 PM and signed  
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

### **FACTS**

On or about December 25, 2024, the DEFENDANT, Erwin ARRIAGA-Ibarra, a native and citizen of Mexico, was apprehended by Customs and Border Protection Officers as he attempted to elude inspection by running northbound through the southbound walkway at the Paso Del Norte Port of Entry in El Paso, Texas located in the Western District of Texas.

CBP Officers gained control of the DEFENDANT by the roundabout located at the intersection of El Paso Street and 6<sup>th</sup> Street in El Paso, Texas. The DEFENDANT was then escorted into Passport Control Secondary (PCS) for further inspection.

In PCS, database queries revealed the DEFENDANT does not have documents that would allow him to enter, reside or be lawfully employed in the United States. The DEFENDANT's nationality was confirmed by the Mexican Identification Birth Records Database (CURP). The DEFENDANT was served with Form I-214 (Spanish Version), Warning of Rights, which he read, said he understood and invoked his right to legal counsel. All questioning ceased.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

### **CRIMINAL AND IMMIGRATION RECORD**

#### **CRIMINAL RECORD**

None can be established at this time.

#### **IMMIGRATION RECORD**

June 2024 – Visa Refusal

bef

**United States District Court**  
**Western District of Texas**  
**El Paso Division**

**INITIAL APPEARANCE APPEARANCE ONLY**

DEFENDANT'S NAME:

Erwin Arriaga-Ibarra

ATTY FOR DEFENDANT:

John Lee Granberg

JUDGE:

ANNE T. BERTON

AUSA:

Melissa-Rose Stafford

DEPUTY CLERK:

Myrna Gallegos

INTERPRETER:

☐ Yes-SPANISH-  
T.McEneny ☒ No

COURT REPORTER:

ERO

PROB. OFFICER

DATE:

December 27, 2024

PRETRIL OFFICER:

TIME: 7 Minutes

4:49-4:56 P.M.

**PROCEEDINGS**

**DFT NO.**

**[DftNo1]**

**[DftNo2]**

<input checked="" type="checkbox"/>	INITIAL APPEARANCE HELD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	ARRAIGNMENT NOT HELD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	DFT INFORMED OF RIGHTS/oral consent to plea	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	GUILTY DEFT [DftNo1] COUNT(S): <u>COMPLAINT</u>		
<input type="checkbox"/>	GUILTY PLEA ACCEPTED BY THE COURT	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Information Filed On _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motion to Dismiss Complaint filed on _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Court Grants Motion to Dismiss on _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Order Dismissing Complaint entered on _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Oral Motion by AUSA to Remit Special Assessment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Oral Order Granting Oral Motion to Remit Special Assessment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	SENTENCING HELD: Defendant sentenced to + One (1) business day; No Fine; S/A REMITTED.		

OTHER: **DEFENDANT DETAINED ON COURT'S MOTION.**

**DETENTION HEARING SET FOR MONDAY, JANUARY 6, 2025 @ 3:00 PM.**

(ORAL) As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings

**United States District Court**  
**Western District of Texas**  
**El Paso Division**

**FILED**  
**Dec 27 2024**  
Clerk, U.S. District Court  
Western District of  
Texas  
By: MG  
Deputy

**UNITED STATES OF AMERICA**

vs.

**(1) ERWIN ARRIAGA-IBARRA**  
**AKA: Manuel Avila-Diaz**  
*Defendant*

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**No: EP:24-M -05111(1) ATB**

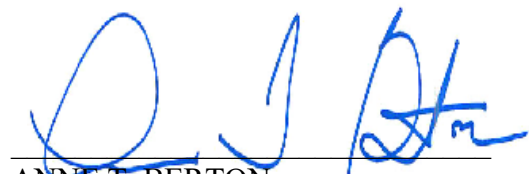
**ORDER APPOINTING COUNSEL**

The above Defendant has testified under oath, or has otherwise satisfied this Court that he or she is financially unable to employ counsel, and does not wish to waive counsel.

Therefore, in the interests of justice, John Lee Granberg, is hereby appointed, pursuant to the provisions of the Criminal Justice Act, to represent said Defendant in this case.

This appointment shall remain in effect until further order of the Court.

It is, accordingly, so **ORDERED** this the 27th day of December, 2024.



ANNE T. BERTON  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
**Western District of Texas**  
**El Paso Division**

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**December 27,**  
**2024**

Clerk, U.S. District Court  
Western District of  
Texas

By: MG  
Deputy

**UNITED STATES OF AMERICA**

vs.

**(1) ERWIN ARRIAGA-IBARRA**

*Defendant*

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§

**Case Number: EP:24-M -05111(1) ATB**

**ORDER SETTING DETENTION HEARING**

IT IS HEREBY ORDERED that the above entitled and numbered case is set for DETENTION HEARING in Magistrate Courtroom, Room 412, on the 4th Floor of the United States Courthouse, 525 Magoffin Avenue, El Paso, TX, on:

**Monday, January 06, 2025, at 03:00 PM**

IT IS FURTHER ORDERED that the Clerk of the Court shall send a copy of this order to counsel for defendant, the United States Attorney, United States Pretrial Services and the United States Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting and, if the defendant is on bond, advise the defendant to be present at this proceeding.

IT IS SO ORDERED this **December 27, 2024**.



ANNE T. BERTON  
UNITED STATES MAGISTRATE JUDGE